NEGATIVE: Speed Cameras

By “Coach Vance” Trefethen

Affirmative plan mandates speed enforcement cameras every 5 miles on federally funded highways. They would take a picture and timestamp of a car and measure the time it takes to get to the next camera to determine the speed of the car and issue an automatic citation for speed violations.

Since many states have rules banning such cameras, the plan would require extra-topical changes in state policies in order to implement and enforce the mandates. And the policy will be a massive waste of time and money and will distract us from efforts that would be far more likely to improve road safety.

All of the Affirmative's evidence on "speed related accidents" should be dropped from the round unless it is specific to federally funded interstate highways. Sure, speed causes accidents, but the risks are far different on local roads where someone speeding through an intersection creates a hazard – compared to someone driving 75 on a high speed interstate highway where everyone is going the same direction at the same time. Those two risks aren't even comparable and Affirmative evidence taken out of context from neighborhoods shouldn't be used to justify policies on highways. Studies have found lower death rates in the US as highway speed limits have gone up, further cutting the link between highway speed and harm to motorists.

Enforcement of speed camera tickets is problematic. If you try to punish the driver, you have to take a picture of his face and hope you can determine who that is (with glare and reflections, etc. blocking the view), and then deal with judges who throw out such tickets because they violate the due process right to confront one's accuser. If you send a ticket to the registered owner of the car, you're punishing someone who the government cannot prove was driving, violating presumption of innocence, and courts are throwing out tickets for that reason as well.

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Negative: Speed Cameras

Affirmative plan mandates speed enforcement cameras every 5 miles on federally funded highways. (They would take a picture and timestamp of a car and measure the time it takes to get to the next camera to determine the speed of the car and issue an automatic citation for speed violations) Since many states have rules banning such cameras, the plan would require extra-topical changes in state policies in order to implement and enforce the mandates. And the policy will be a massive waste of time and money and will distract us from efforts that would be far more likely to improve road safety. All of the Affirmative's evidence on "speed related accidents" should be dropped from the round unless it is specific to federally funded interstate highways. Sure, speed causes accidents, but the risks are far different on local roads where someone speeding through an intersection creates a hazard – compared to someone driving 75 on a high speed interstate highway where everyone is going the same direction at the same time. Those two risks aren't even comparable and Affirmative evidence taken out of context from neighborhoods shouldn't be used to justify policies on highways. Studies have found lower death rates in the US as highway speed limits have gone up, further cutting the link between highway speed and harm to motorists. Enforcement of speed camera tickets is problematic. If you try to punish the driver, you have to take a picture of his face and hope you can determine who that is (with glare and reflections, etc. blocking the view), and then deal with judges who throw out such tickets because they violate the due process right to confront one's accuser. If you send a ticket to the registered owner of the car, you're punishing someone who the government cannot prove was driving, violating presumption of innocence, and courts are throwing out tickets for that reason as well.

CRITERION RESPONSE

"Saves Lives" doesn't justify policy change by itself

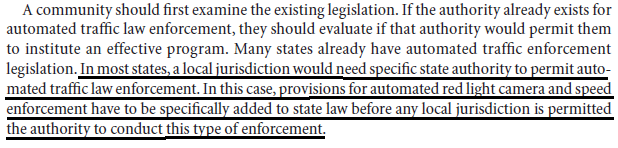
The logical fallacy is obvious: if something "saves lives," therefore we have to do it, then we must immediately ban cars. This would prevent 100% of all automobile deaths, therefore saving more lives than the Affirmative, and we MUST DO IT according to their criterion. If not, then their criterion is flawed.

EXTRA-TOPICALITY

1. Requires other changes besides federal law

Link: Speed cameras require changes to state & local law

Transportation Research Board 2012. (part of the National Research Council, which is part of the National Academies of Sciences) National Cooperative Highway Research Program Report #729: [Automated Enforcement for Speeding and Red Light Running](https://www.nap.edu/catalog/22716/automated-enforcement-for-speeding-and-red-light-running) https://download.nap.edu/cart/download.cgi?record\_id=22716



Violation: Resolution only says "federal" transportation policy

The AFF can change anything they want at the federal level. But as soon as their plan demands the states to change their policies, we have to stop and not allow it. Anything involving states changing their policies must be dropped out of the round as extra-topical.

Impact: No Solvency

Local law enforcement and local courts won't be able to process and enforce the tickets that these cameras will generate without changes to State law. If the tickets aren't enforced, people can ignore the cameras and they simply don't solve for anything.

HARMS / SIGNIFICANCE

1. Evidence challenge

Evidence about "speed-related deaths" isn't valid unless it is specific to federally funded interstate highways

Don't let the Affirmative just read cards that say speeding kills people. Driving 50 in a 35MPH zone next to a school may well pose a threat to children and some will get killed. But their plan is about people driving 75 in a 65 zone on a fast moving highway where there are no children and everyone's moving in the same direction. The risks are very different and their evidence has to specifically talk about "highway fatalities" not just speed in general on all roads.

2. Speed isn't a problem on big highways

Highways are different from local roads and speed is not a big safety threat on highways (only 1-2%)

Best Highway Safety Practices Institute 2009 (nonprofit that provides professionals, policy makers, the press and the public with empirical data, findings, guidance, recommended practices and resources to advance best practices and fair laws. The Institute was founded in 2004, in Portland, Oregon by professionals who specialize in highway safety issues ) "US DOT Distracted and Operating Under the Influence" 12 Aug 2009 http://www.bhspi.org/main/press\_files/cf6d5003ef81875c56ade67edab7e963-4.html

Next was showing that the enforcement was reducing accidents, which wasn’t true, either. Transportation Research Board Special Report 204, “55: A Decade of Experience” documented a very different story when you separated the PR from the actual data. Speed enforcement as practiced had no effect on accidents or traffic speeds except for a speed halo in the vicinity of an enforcement vehicle regardless if they were writing citations or not. Unmarked cars had no effect either except increased citations. Saturation enforcement changed speeds when their presence was expected, but that too was gone within a day. The vehicles traveling faster than the average had the lowest accident rates. The overwhelming majority of the high profile enforcement efforts were targeted at the motorists that are least likely to be involved in an accident, on the safest roads. On the open highway excessive speed as the cause of an accident was closer to 1-2 percent, not the Related 31 percent NHTSA used.

Speed on major highways isn't a problem and better enforcement won't accomplish anything

National Motorists Association 2000. (membership-based organization dedicated to protecting the rights of the motoring public) Montana: No Speed Limit Safety Paradox https://www.motorists.org/press/montana-no-speed-limit-safety-paradox/

The lower–than–US fatality rates on the German Autobahn (where flow management is the primary safety strategy), and now Montana’s experience, would indicate that using speed limits and speed enforcement as the cornerstone of US highway safety policy is a major mistake. It is time to accept the fact that increases in traffic speeds are the natural by product of advancing technology. People do, in fact, act in a reasonable and responsible manner without constant government intervention. The Montana experience solidifies the long held traffic engineering axioms:  
- people don’t automatically drive faster when the speed limit is raised;  
- speed limit signs will not automatically decrease accident rates nor increase safety;  
- highways with posted speed limits are not necessarily safer than highways without posted limits  
The study on the effects of no daytime speed limits in Montana is clear. Traffic safety, if anything, actually improved without posted limits or massive enforcement efforts. Highway safety wasn’t compromised nor can the lowest fatality rates recorded in modern times be ignored.

3. Higher speed limits & declining death rates

Highway speed isn't a problem: Highway speed limits went up… and death rates went DOWN

Best Highway Safety Practices Institute 2009 (nonprofit that provides professionals, policy makers, the press and the public with empirical data, findings, guidance, recommended practices and resources to advance best practices and fair laws. The Institute was founded in 2004, in Portland, Oregon by professionals who specialize in highway safety issues ) "US DOT Distracted and Operating Under the Influence" 12 Aug 2009 http://www.bhspi.org/main/press\_files/cf6d5003ef81875c56ade67edab7e963-4.html (brakets added)

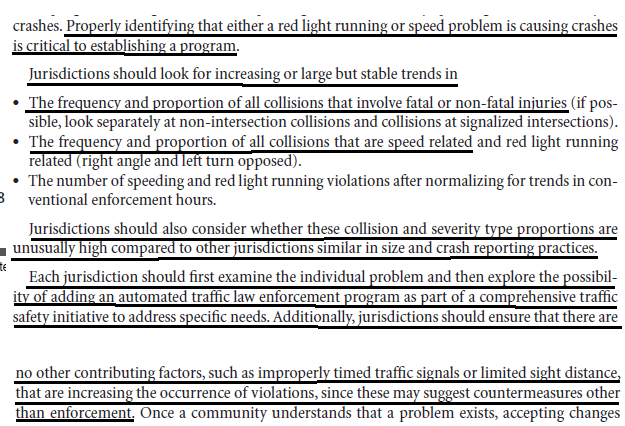
Trojan Horse #1   
“Higher U.S. speed limit linked to 12,500 more deaths”  
Great attention getting headline and double the 6,400 deaths a year the lobbyist safety experts, IIHS, NHTSA et al claimed would occur if the speed limits were repealed in 1995, which never happened. Speeds went up, death rates dropped, and this correlation over 10 years to higher posted limits is no less incredible. Then there were the lives purportedly saved by the 55 mph limit, by NHTSA, courtesy of the same pool of creative statisticians we are getting our current jobs created and economic recovery data from.  There are many correlated causation factors in short term incremental fatality rate increases which include normal deviations, the economy, weather, roadway environment and nature of use; but raising the number on a sign on a limited access highway isn’t one of them! Montana Paradox: During this period of this purported increase caused by higher posted limits, Montana recorded its lowest fatality rate in modern times by eliminating its daytime speed limits. Truth: Death rates during peak enforcement of the 55 mph National Speed Limit were 3.5 deaths per million miles driven, now it's 1.12\*, or fatality rates were 313 percent higher with the 55 mph NMSL[National Minimum Speed Limit]. Despite this Trojan horse headline, today speeds have never been higher and our roads have never been safer.

4. National program not justified

Link: AFF imposes the same policy on downtown Manhattan and rural Alaska

Link: Each jurisdiction has to conduct its own study to determine whether speed cameras are justified before doing them. The harms don't justify the cameras in all jurisdictions

Transportation Research Board 2012. (part of the National Research Council, which is part of the National Academies of Sciences) National Cooperative Highway Research Program Report #729: [Automated Enforcement for Speeding and Red Light Running](https://www.nap.edu/catalog/22716/automated-enforcement-for-speeding-and-red-light-running) https://download.nap.edu/cart/download.cgi?record\_id=22716



Impact: Wrong policy.

If speed isn't the cause or cameras aren’t the solution for a particular area, the policy will waste money and cost lives that could have been saved by looking for the right policy.

INHERENCY

1. States can do it

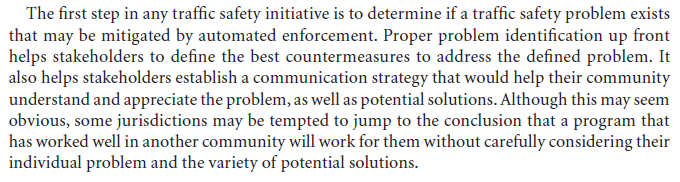
Link: No barrier – states can do it

Sean Slone 2014 (director of transportation & infrastructure policy at Council of State Governments) "Speed and Red Light Camera Laws" 29 Apr 2014 Counci of State Governments http://knowledgecenter.csg.org/kc/content/speed-and-red-light-camera-laws

A number of states use traffic cameras to catch speeders and red light runners. While supporters say cameras have the potential to aid law enforcement, improve safety and bring in revenues from ticketed violations, they are increasingly controversial. Critics say they invade privacy, serve to administer backdoor tax increases, benefit for-profit companies more than safety and actually cause accidents in some cases. These debates have created a hodgepodge of wildly different state and local statutes around the country and a variety of re-evaluations of the merits of cameras in traffic enforcement.

Link: Traffic safety has to be done locally. You CAN'T assume a solution from one place will work in another

Transportation Research Board 2012. (part of the National Research Council, which is part of the National Academies of Sciences) National Cooperative Highway Research Program Report #729: [Automated Enforcement for Speeding and Red Light Running](https://www.nap.edu/catalog/22716/automated-enforcement-for-speeding-and-red-light-running) https://download.nap.edu/cart/download.cgi?record\_id=22716



Impact: Better off voting Negative. State action is better because experimentation among the states develops & spreads new and better ideas

Prof. Graeme Boushey 2012. (Robert Wood Johnson Scholar in Health Policy Research at Univ of Michigan and assistant professor at Univ of California, Irvine) Punctuated Equilibrium Theory and the Diffusion of Innovations POLICY STUDIES JOURNAL, January 2012 <http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full>

Although federalism makes policy coordination difficult, it also creates opportunities for considerable policy innovation, as municipal, county, and state governments develop new policies to address local concerns. Federalism encourages venue shopping, a process where activists and interest groups strategically exploit the multiple venues of government to secure support for their legislative programs ([Baumgartner & Jones, 2009](http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full#b3); [Holyoke, 2003](http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full#b21); [Pralle, 2003](http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full#b37)). This process increases the number of new ideas entering the political systems and can create conditions where “new ideas or policy images may spread rapidly across linked venues, thus setting in motion a positive feedback process” ([Baumgartner & Jones, 2009](http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full#b3), p. 240).

SOLVENCY

1. Australia Study

No reduction in car crashes after speed cameras installed on highways

Christopher Knaus 2012 (journalist) CANBERRA TIMES 25 June 2012 "Fixed-speed cameras fail to cut car crashes" http://www.canberratimes.com.au/act-news/fixedspeed-cameras-fail-to-cut-car-crashes-20120624-20wqh.html (brackets added)

Fixed speed cameras are not reducing the number of nearby car crashes, new data shows. ACT [Australian Capital Territory] government crash statistics, provided to the opposition, show accidents at the site of nine fixed speed camera sites have not been reduced since the cameras were activated in 2007 and 2008. In many cases, the data shows drivers were actually involved in more crashes after the fixed cameras came in.

2. British data

Long-term data from Britain shows no improvement after speed cameras. Some places had MORE crashes

Robert Winnett, Conrad Quilty-Harper and Sebatian Payne 2011. (journalists) 24 Aug 2011 THE TELGRAPH (British newspaper) " Speed cameras fail to cut accidents" http://www.telegraph.co.uk/motoring/news/8719263/Speed-cameras-fail-to-cut-accidents.html

Since they were introduced in 1992, speed cameras have been installed at about 6,000 sites, generating an estimated £100 million in fines each year. After a request from the Department of Transport, 75 councils have so far agreed to publish all or part of their speed camera information, including accident rates, casualty rates and the number of motorists caught. Many statistics have been incomplete, making comparisons difficult, while some authorities failed to release a breakdown of data. An analysis of figures produced by six local authorities showed that speed cameras have had a mixed impact. In Humberside, which has 89 speed cameras, there was no change in the number of accidents at a fifth of the sites, while the number of collisions rose at 17 of them. Of the 44 speed cameras in the Thames Valley, seven sites saw an increase in the number of incidents, with four-fold rise at a site in Aylesbury.

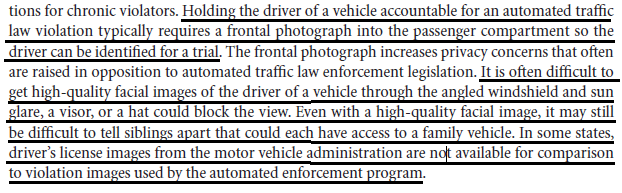
3. Enforcement fails #1: Can't find the responsible party.

Link: There are 2 possible ways of enforcement. Either charge the driver or charge the owner of the car.

Both of these have failures that allow drivers to escape from a ticket.

Failure #1: Charging the driver fails. You can't get a clear view or facial recognition is uncertain

Transportation Research Board 2012. (part of the National Research Council, which is part of the National Academies of Sciences) National Cooperative Highway Research Program Report #729: [Automated Enforcement for Speeding and Red Light Running](https://www.nap.edu/catalog/22716/automated-enforcement-for-speeding-and-red-light-running) https://download.nap.edu/cart/download.cgi?record\_id=22716



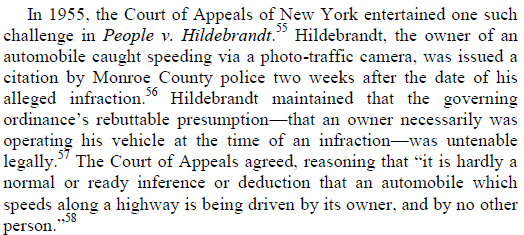
Failure #2: Charging the owner fails. Minnesota State Supreme Court says you can't presume the owner was the driver.

Minnesota State Supreme Court 2007. (quoted by TheNewspaper.com) " Minnesota Supreme Court Strikes Down Red Light Cameras" https://www.thenewspaper.com/news/16/1688.asp

"The problem with the presumption that the owner was the driver is that it eliminates the presumption of innocence and shifts the burden of proof from that required by the rules of criminal procedure," the court concluded. "Therefore the ordinance provides less procedural protection to a person charged with an ordinance violation than is provided to a person charged with a violation of the Act. Accordingly, the ordinance conflicts with the Act and is invalid."

NY State Court of Appeals says: You can't charge the owner under the "assumption" he was driving

Joel Christensen 2010 (law degree from Washington University School of Law) " Wrong on Red: The Constitutional Case against Red-Light Cameras" Washington University Journal of Law & Policy https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1086&context=law\_journal\_law\_policy



4. Enforcement fails #2: Due process violations

Judges toss out automated camera tickets for due process violations

Thomas Soldan 2016 (attorney) 6 Apr 2016 " Legal Review: Speed Cameras and Due Process – Drivers Should Know Their Rights" https://www.borderstan.com/2016/04/06/legal-review-speed-cameras-and-due-process-drivers-should-know-their-rights/

Many motorists have successfully challenged camera citations on the basis of due process violations. In fact, the D.C. Department of Motor Vehicles [reports](http://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DMV14.pdf) that in FY 2013, judges dismissed more than 35 percent of the adjudicated photo-captured violations because of ambiguous evidence. And in Baltimore City in 2013, more than 6,000 tickets were voided due to lack of proof because a key equipment vendor stopped appearing in court to substantiate its evidence. This represented a major lack of oversight and control of the city’s speed camera program.

DISADVANTAGES

1. More accidents

Australia experience: Speed cameras cause erratic behavior and increase accidents

Christopher Knaus 2012 (journalist) CANBERRA TIMES 25 June 2012 "Fixed-speed cameras fail to cut car crashes" http://www.canberratimes.com.au/act-news/fixedspeed-cameras-fail-to-cut-car-crashes-20120624-20wqh.html (brackets added)

The government activated the territory's first point-to-point speed cameras on Hindmarsh Drive in late February, with a second set to be installed on Athllon Drive later this year. [Australian Capital Territory opposition transport services spokesman, legislative assembly member] Mr [Alistair] Coe said there were serious questions about the effectiveness of the point-to-point cameras. He said both fixed cameras and point-to-points had the potential to make roads more dangerous. ''I think we've all seen people drive erratically near fixed speed cameras,'' Mr Coe said. ''People slam on the brakes and they do weird things, I don't think it's any surprise to a lot of people that we are seeing a lot of accidents occurring at these locations,'' he said.

2. Wrongful citations

Baltimore Study finds high rate of false violations generated by speed cameras. Thousands of drivers wrongly charged millions of dollars

Sean Slone 2014 (director of transportation & infrastructure policy at Council of State Governments) "Speed and Red Light Camera Laws" 29 Apr 2014 Counci of State Governments http://knowledgecenter.csg.org/kc/content/speed-and-red-light-camera-laws

An audit conducted by consultant URS Corp. evaluating the camera system run by Xerox State and Local Solutions in 2012 found an error rate of more than 10 percent. Since the city issued 700,000 speed camera tickets at $40 each in fiscal year 2012, that means 70,000 drivers were wrongly charged a total of $2.8 million, The Baltimore Sun reported. The audit found 13 cameras with double-digit error rates in Baltimore, including one that was giving out more erroneous tickets than accurate citations. City officials shut down the entire speed camera program in the spring of 2013 once they became aware of the audit’s findings. They also were moved to void or refund tickets they believed were obviously erroneous.

Washington DC Study: Bogus tickets are frequently issued by automated cameras

Thomas Soldan 2016 (attorney) 6 Apr 2016 " Legal Review: Speed Cameras and Due Process – Drivers Should Know Their Rights" https://www.borderstan.com/2016/04/06/legal-review-speed-cameras-and-due-process-drivers-should-know-their-rights/

Camera critics also point out that when a police officer physically issues a ticket to a driver, the offender can question the officer about evidence both at the time of the incident and again in court. But this option is not available when tickets are automatically generated and mailed to a vehicle owner, and in reality, equipment failures and ambiguous results are fairly common. A 2014 [study](http://app.oig.dc.gov/news/view2.asp?url=release10%2FPATE_final_9-8-2014%2Epdf&mode=release&archived=0&month=20148&agency=0) issued by the D.C. Office of Inspector General found that tickets were frequently issued in the District even when vehicles could not be conclusively identified. The report went so far as to suggest the D.C. government was emphasizing ticket revenues over system accuracy and fairness as well as improved safety – a point hotly disputed by the Metropolitan Police Department and the D.C. City Council.

3. Civil rights violated

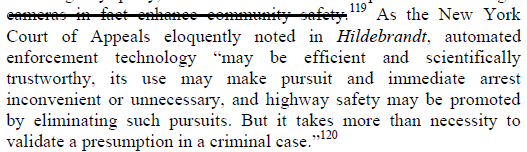
Link: Cameras create the scenario of presumed guilty until proven innocent

CNN 2009. " Speed cameras on U.S. highways?" June 2009 (brackets added) https://www.cnn.com/2009/LIVING/wayoflife/06/04/aa.speed.cameras.highways/index.html

"The biggest issue opponents have is it creates a legal system where you're presumed guilty without a trial," [journalist Richard] Diamond said. "If a database says you're a criminal, you are. Once you let in the cameras it opens the door that this is OK."

Impact: Civil rights impact outweighs any safety benefits

Joel Christensen 2010 (law degree from Washington University School of Law) " Wrong on Red: The Constitutional Case against Red-Light Cameras" Washington University Journal of Law & Policy https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1086&context=law\_journal\_law\_policy



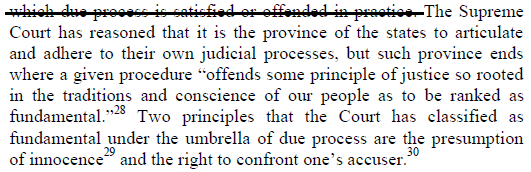
Impact: Since they don't know who was driving, charging anyone for the "crime" is a massive civil rights violation

Prof. Adam Mcleod 2017 (associate professor at Faulkner University’s Thomas Goode Jones School of Law ) 20 Jan 2017 " How I turned a traffic ticket into the constitutional trial of the century" https://arstechnica.com/tech-policy/2017/01/op-ed-how-i-turned-a-traffic-ticket-into-the-constitutional-trial-of-the-century/

Yet traffic cameras do not always produce probable cause that a particular person has committed a crime. To get around this “problem” (as a certain law-and-order president-elect might call it), several states have created an entirely novel phylum of law: the civil violation of a criminal prohibition. Using this nifty device, a city can charge you of a crime without any witnesses, without any probable cause determination, and without any civil due process. In short, municipal officials and their private contractors have at their disposal the powers of both criminal and civil law and are excused from the due process duties of both criminal and civil law. It’s a neat trick that would have made King George III blush.

Impact: Presumption of innocence and right to confront one's accuser are key "due process" civil rights

Joel Christensen 2010 (law degree from Washington University School of Law) " Wrong on Red: The Constitutional Case against Red-Light Cameras" Washington University Journal of Law & Policy https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1086&context=law\_journal\_law\_policy



4. Masking Disad: Better solutions ignored

Focus on speed enforcement distracts us from doing things that actually would save lives

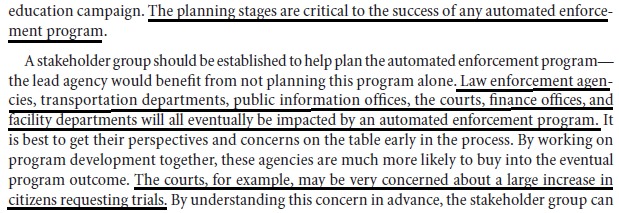
Best Highway Safety Practices Institute 2009 (nonprofit that provides professionals, policy makers, the press and the public with empirical data, findings, guidance, recommended practices and resources to advance best practices and fair laws. The Institute was founded in 2004, in Portland, Oregon by professionals who specialize in highway safety issues ) "US DOT Distracted and Operating Under the Influence" 12 Aug 2009 http://www.bhspi.org/main/press\_files/cf6d5003ef81875c56ade67edab7e963-4.html

Thus the public safety advertisements (PSA) that speed enforcement was a critical factor in accident reduction had no factual foundation, SAFETY MYTHS, reinforced and paid for with millions and millions of tax dollars. Myths we continue to allocate significant treasure to while we neglect those programs that could save lives.

5. Court clog

Link: More citizens will demand trials after automated enforcement begins

Transportation Research Board 2012. (part of the National Research Council, which is part of the National Academies of Sciences) National Cooperative Highway Research Program Report #729: [Automated Enforcement for Speeding and Red Light Running](https://www.nap.edu/catalog/22716/automated-enforcement-for-speeding-and-red-light-running) https://download.nap.edu/cart/download.cgi?record\_id=22716



Impact: Criminals go free and justice denied to the accused, when courts get overloaded

Associated Press 2011. "State budget cuts clog criminal justice system" 26 Oct 2011 http://www.nbcnews.com/id/45049812/ns/us\_news-crime\_and\_courts/t/state-budget-cuts-clog-criminal-justice-system/

Prosecutors are forced to ignore misdemeanor violations to pursue more serious crimes. Judges are delaying trials to cope with layoffs and strained staffing levels. And in some cases, those charged with violent crimes, even murder, are set free because caseloads are too heavy to ensure they receive a speedy trial. Deep budget cuts to courts, public defenders, district attorney's and attorney general offices are testing the criminal justice system across the country. In the most extreme cases, public defenders are questioning whether their clients are getting a fair shake.

Works Cited: Speed Cameras

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